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PATENT APPLICATION

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Applicants: Sadelain et al. Conf. No.: 1539  
Serial No.: 09/786,502 Examiner: D. Crouch  
Filing Date: May 18, 2001 Art Unit: 1632  
For : Fusion Receptors Specific for Human Prostate-Specific Membrane  
Antigen and Uses Thereof

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RESPONSE TO RESTRICTION REQUIREMENT

Asst. Commissioner for Patents  
Washington, D.C. 20231

Responsive to the Restriction Requirement mailed May 29, 2002 for the above-captioned application, Applicants hereby elect the claims of Group I, Claims 1-6 and 17-20, with traverse. Reconsideration of the Restriction Requirement and consideration of all claims in this application are respectfully urged.

Applicants respectfully submit that the Examiner has incorrectly applied the US standard for restriction, rather than applying the PCT standard for lack of unity. The rules are very clear that a PCT Applicant is entitled to combine in a single application claims directed to a composition and a method for using that composition. 37 CFR § 1.475(b)(2). In applying this standard, it is not relevant that the composition can be used for more than one method or vice versa. Indeed, 37 CFR § 1.475 (d) specifically states that if more than one product, method of making or method of using are recited, the first set of claims of each type will be considered as the main invention. Additionally, Applicants submit that the method claims of Group II each

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refer back to a fusion protein of a previous claim within Group I, and that the Examiner does not indicate how it is possible that the fusion proteins of Group I are not required for the method of treatment in Group II.

It should further be noted that Applicants paid the additional fee to have the claims (the first 16 claims of the National Stage Application) searched and considered in the IPER. Under these circumstances, it is unclear what burden is imposed on the Examiner to consider all of claims, since the first 16 claims (which encompass claims from both Group I and Group II) have been considered, and were treated favorably in the IPER. The Examiner has made no showing why there would be any burden to consider the claims which have already been searched and found in the IPER to be allowable.

For the foregoing reasons, Applicants submit that all claims of this application should be considered in a single application, and the Restriction Requirement should be withdrawn.

Respectfully submitted,



Marina T. Larson, Ph.D.  
Patent Office Reg. No. 32,038  
Attorney for Applicants  
(970) 468-6600

P.O. BOX 5088  
DILLON, CO 80435-5088

www.pacta.com

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